

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) RKEY-7PC									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/644,383	Filed 8/19/2003									
	First Named Inventor Eckardt, George										
	Art Unit 2456	Examiner Bates, Kevin T.									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top; padding: 5px;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top; padding: 5px;">/ess20649/ _____ Signature</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top; padding: 5px;">Eugene S. Stephens _____ Typed or printed name</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input checked="" type="checkbox"/> attorney or agent of record. Registration number 20,649</td><td style="vertical-align: top; padding: 5px;">585-641-0790 _____ Telephone number</td></tr><tr><td style="vertical-align: top; padding: 5px;"><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td style="vertical-align: top; padding: 5px;">March 15, 2010 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/ess20649/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Eugene S. Stephens _____ Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 20,649	585-641-0790 _____ Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	March 15, 2010 _____ Date
<input type="checkbox"/> applicant/inventor.	/ess20649/ _____ Signature										
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<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	March 15, 2010 _____ Date										
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.											

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

March 15, 2010

Serial No. 10/644,383
Applicant: George Eckerdt
Filed: 08-19-2003
Title: TANGIBLE SECURITY ASSET MANAGEMENT SYSTEM AND
METHODS THEREOF
Art Unit: 2456
Examiner: Bates, Kevin T.
Confirmation Number: 6216
Attorney Docket No.: RKEY-7PC

HONORABLE COMMISSIONER OF PATENTS

Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The office action incorrectly asserts that Walker suggests claim features missing from Wallace. Walker mentions web servers, but clearly locates these remotely from an asset control system. This also means that with no web server co-located with an asset control system, it is not possible for these to share an I/O unit, as claimed.

Walker makes it clear in the following ways that no web server is co-located with an asset control system, and therefore, no web server and asset control system can share the claimed I/O unit.

- In Column 3, Lines 28-30, Walker explains that processing module 144 communicates via a network communication port with a central server that is not shown in the Walker drawings and is not co-located with an asset control system.
- At Column 3, Lines 55-60, Walker explains the retrieval of information via the internet or directly from a server that is not co-located with an asset control system, because it communicates via a network.
- At Column 3, Lines 60-68, Walker suggests a programmed computer receiving input and exchanging information “**with a remotely located server.**”
- At Column 4, Lines 28-31, Walker explains that vending machine 100 may be in communication with a remote computer, such as a server, which clearly does not envision co-location of a web server with an asset control system.

- These indications from Walker that any web server is remote from an asset control system makes it impossible for the web server and the asset control system to share an I/O unit as claimed.
- Walker's many mentions of web servers consistently suggest that they are not co-located with an asset control system, and therefore cannot share an I/O unit with an asset control system.

These mistakes in the interpretation of Walker warrant withdrawal of the final rejection. The Wallace reference admittedly is insufficient to reject the claims, and the Walker reference does not suggest what the final action asserts. For any question on this, the examiner is invited to contact applicant's attorney.

Respectfully Submitted,
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